

# Family Law Centers Make a Difference

BLAINE CORREN

A young mother came to her local family law information center to open a paternity case for her three-week-old infant. The center staff helped her complete the necessary forms.

About a month later, the young woman came back to the center, this time wanting to give custody of the baby to her best friend. She had just found out that she was in stage four of cervical cancer and was not expected to live much longer. It

matters of life and death, but the report concludes that the centers serve the needs of both the public and the court and are an integral part of managing cases in family law.

"The centers have a tremendous impact on the efficiency of the court system," says Judge James Petrucelli, presiding family law judge of the Superior Court of Fresno County. "The center helps litigants fill out their paperwork properly and gets them more mentally prepared to come to court. Sometimes we forget how overpowering the system can be."

## ESTABLISHING THE PILOT CENTERS

The Legislature established funding for the three pilot family law information centers in 1999 to deal with the growing numbers of family law litigants without attorneys. In creating the centers, the Legislature expressed concern that the primary reason for the increase in unrepresented family law litigants was their inability to afford legal assistance. In addition, the Legislature stated that this lack of access to legal resources prevents low-income litigants from fully understanding their rights and remedies in family law proceedings, thereby restricting their access to justice.

## EVALUATING THE PILOT CENTERS

The Legislature set out the standards for the evaluation of the pilot programs. If the programs met the following criteria, they would be deemed successful:

- ◆ Each program assists at least 100 low-income families per year;
- ◆ A majority of the judges surveyed in each pilot project court believe the family law information center helps expedite cases with pro per litigants; and
- ◆ Most customers evaluate the centers favorably.

The survey found that the centers more than met these standards for success. The centers combined served 45,000 litigants per year; most judges in the pilot counties who were interviewed for the evaluation (88 percent) agreed that the centers save valuable time in the courtroom and help expedite pro per cases; and the vast majority of customers evaluated the family law information center favorably—93 percent felt the center had been helpful and 95 percent felt they had been treated with respect and courtesy.

## CENTERS AT WORK

Each of the three family law information centers operates under the administrative structure of the local office of the family law facilitator. Family law facilitators are attorneys who work for the courts, providing information about child support to pro per litigants.

Funding for family law information centers enabled the pilot courts to expand their facilitator services beyond child support matters. The centers now can assist with numerous other issues that commonly arise in family law courts, including dissolution, paternity, child custody, domestic violence, adoptions, and guardianships.

"Many of the people who seek services from the center have complex cases and have suffered significant barriers to getting their matters heard," says Sarah Heckman, the family law facilitator at the Superior Court of Sutter County. "We regularly assist self-represented litigants whose legal issues have been unmet for years because they have been unable to afford representation and have found the procedural requirements so daunting that they have been unable to proceed unaided."

Customer satisfaction surveys that were conducted for the report showed that an overwhelming majority of litigants gained a better understanding of

## Snapshot of Pro Pers

A study of three pilot family law information centers (in Fresno, Los Angeles, and Sutter Counties) conducted during fiscal year 2001–2002 provides a snapshot of customers who need legal assistance in the area of family law.

- ◆ Most customers were employed and had a gross monthly income under \$2,000 per month.
- ◆ The majority of customers were between 20 and 40 years of age, with one or two children.
- ◆ Custody and visitation issues accounted for 72 percent of the cases.

assistance with form preparation and document review;

- ◆ Subject matter workshops are an efficient method of assisting with form preparation;
- ◆ Telephone help-line assistance is effective in increasing access for those who cannot get to the courthouse during business hours;
- ◆ Scheduled appointments can increase customer satisfaction; and
- ◆ Further study should be conducted to determine whether



The total budget to run three pilot family law information centers in Fresno (pictured), Los Angeles, and Sutter Counties during fiscal year 2001–2002 was \$420,000. More than 45,000 litigants used the centers' services. The average cost per customer was approximately \$9.33. Photo: Jason Doiy

turned out that the baby's father had died, and the only living relatives were her parents, who were both drug addicts.

The young woman was extremely worried about what would happen to the baby without her, and she did not want her drug-using parents to gain custody of the child. The staff at the center helped her file her documents, and the court granted her request. With tears in her eyes, she told the center's staff how thankful she was for the services she had received, which would help protect her child.

Approximately six weeks later, the young woman's friend

**"The center helps litigants fill out their paperwork properly and gets them more mentally prepared to come to court. Sometimes we forget how overpowering the system can be."**

came to the center's office. The friend told the staff that the young woman had passed away, and just before her death she had said how grateful she was for the help she had received from the court's family law information center.

## REPORT ON PILOT CENTERS

According to a recent report to the Legislature, this young woman was one of thousands of individuals who were effectively served by the three pilot family law information centers in California—in Fresno, Los Angeles, and Sutter Counties—in fiscal year 2001–2002. Not all of those cases were

**"Regularly, people contact the center to advise us of the outcome of their case and to thank the staff for helping them."**

the court, understood their cases better, felt more prepared to go to court, and would use the center again.

"[The center was] very helpful and informative," commented a litigant on a customer satisfaction survey. "I think more fathers would respond to court orders with the help they can receive. The service was very directional and friendly. She went through the step-by-step process very quickly and with patience, even though she had people waiting."

"Regularly, people contact the center to advise us of the outcome of their case and to thank the staff for helping them," says Ms. Heckman. "It is satisfying, both personally and professionally, to know that the services we provide can make a profound difference in the lives of families."

## RECOMMENDATIONS

Based on the evaluation of the three pilot family law information centers, the report concludes that the program clearly has met the goals set out by the Legislature. In addition, the report makes the following recommendations:

- ◆ Funding for the centers should be sufficient for hiring enough staff to provide direct

courtroom and/or financial mediation services for pro per litigants might further expedite case processing in family law cases.

Based on the findings in the report, the Judicial Council directed Administrative Office of the Courts (AOC) staff to prepare a budget request for fiscal year 2005–2006 to expand the family law information center program statewide.

Because of the current budget constraints, the family law facilitator in Fresno County no longer helps litigants beyond child support matters. The family law information center has essentially been shut down until additional funding can be found. "Unfortunately, we've had to scale back our services," says Judge Petrucelli. "The quality of the paperwork is decreasing, and that slows down the process and requires us to continue hearings. So now our pro per calendars are starting to explode again. We've seen first-hand what a difference the centers make."

● For more information on the pilot family law information centers or the study, contact Bonnie Hough, AOC's Center for Families, Children & the Courts, 415-865-7668; e-mail: bonnie.hough@jud.ca.gov. ■

## Q&amp;A

# Helping Families Navigate the Court

## *Conversation With Judge Aviva K. Bobb*

SHERRI ENG

*Judge Aviva K. Bobb has always had an interest in helping self-represented litigants. With a law degree from University of California at Berkeley's Boalt Hall in hand, she advocated for low-income litigants from 1972 to 1976, first as a staff attorney and then as director of San Fernando Valley Neighborhood Legal Services. She then served as executive director of the Los Angeles Legal Aid Foundation from 1976 to 1980.*

*Judge Bobb's interest in pro pers did not wane when she joined the bench of the Los Angeles Municipal Court in 1980, or when she became a superior court judge in 1994. She noticed that more than half of family law litigants were self-represented. Recognizing that government-funded legal services and pro bono work by private law firms served only about 10 percent of those needing help with civil matters, she worked for court system changes that would recognize this oft-ignored population.*

*Since joining the Judicial Council in 2000, Judge Bobb has continued to advocate for family law litigants, urging the council to pass a number of initiatives and programs to improve service to pro pers. In 1999 the council selected Los Angeles County as one of three counties in the state to open family law information centers as part of a pilot program. Because of its burgeoning population, Los Angeles County was awarded two centers—one in the downtown Los Angeles courthouse and the other in Norwalk. Combined, those two centers served more than 38,000 customers in fiscal year 2001–2002.*

*Court News spoke with Judge Bobb about the new centers and the court's role in helping family law litigants.*

**What are some ways that trial courts have helped family law litigants navigate the court system? What else can they do?**

Self-help centers and facilitator offices have been the most important new services the courts have provided. Traditionally, we had thought those types of services would be provided by others, but these services are not always available. People now can have easy access to information about their case and how they are to process their case.

It is important to design the court process to be as user-friendly as possible, with the understanding that you have people who are going through the process on a one-time basis.

These are not attorneys who will use the system for the next 30 years. This means that you have to have a staff that is trained and has good interpersonal skills and is patient and willing to assist people. In large courthouses, it means aggregating all the relevant services so that people don't need to go all over the courthouse to find services.

For domestic violence cases, having children's waiting rooms

**"Courts are also increasingly recognizing that their mission is to be involved not just in decision making but also in conflict resolution."**

is very helpful. Often, people come in asking for domestic violence restraining orders, and they've just left home and have no place to put their children while they conduct their court business. The stress on a parent is lessened if there's a safe place for the children to wait.

Courts are also increasingly recognizing that their mission is to be involved not just in decision making but also in conflict resolution. Alternative dispute resolution (ADR) services, in which mediators help litigants resolve their case without having to go to court, are helpful. In Los Angeles, we have developed, over the last six months, a panel of trained family law mediators who provide three hours of free mediation services on cases referred by the court. These services are in addition to the existing custody mediation program and the volunteer settlement officer program in each courthouse.

**What roles have the three family law information centers established in 1999 in Fresno, Los Angeles, and Sutter Counties played in serving self-represented litigants?**

I think they are extraordinarily successful. They provide information on the types of relief available in family court and on the necessary pleadings. They offer instruction on completing forms and assistance in preparing orders after hearings. In Los Angeles we also have social services staff on site to assist people, because often there is an underlying problem. A referral to social services can help ease the stress on the family.

**How successful are the centers in your county? How have they helped litigants?**

The success of our downtown location, for example, is evidenced

by the number of people lined up waiting for service every moment it is open. You rarely see fewer than 20 people there waiting to get help. I think litigants are surprised and grateful to get this type of service.

We see the results in the courtroom, in that parties are better prepared. There is also a savings in court time, paperwork is more accurate, and cases don't have to be continued for parties

to get assistance. I think litigants are more satisfied with the court process because they understand it better.

**How will the budget crisis affect the family law information centers and other programs that help litigants in your court?**

The looming budget crisis could force the closing of the family law information centers, or at least a major curtailment of their hours and service. Clerical staff shortages caused by the budget deficits could also prevent us from timely processing court papers, including judgments of dissolution, as well as make staff less available to assist the public.

**What is the Unified Courts for Families Initiative? How is your court involved with it?**

The purpose of the initiative is to recognize that some families have cases before more than one judge in a county. This can result in conflicting orders, multiple court appearances, uncoordinated treatment plans, unnecessary delays, repeated interviews with children, and incomplete information.

So the idea behind the initiative is to have cases of one family heard in one courtroom. For example, you may have a family where the parents are getting divorced, one of the children is involved in a juvenile delinquency proceeding, and one of the parents has a drug abuse problem being heard in criminal court. The initiative recognizes that these are not discrete problems and that this is a family in need of treatment and assistance.

San Francisco, Yolo, and Butte Counties have very successful unified courts. In Los Angeles County, because of its size and the way it's physically structured, it cannot, in the short

term, have a unified court where all cases of one family can be heard in one courtroom. We have a court devoted to juvenile dependency cases, and we don't have the space to move in family law courtrooms and criminal courtrooms. We could do this if, at some point, we built a "unified family law building" that could accommodate all of these cases.

What we are doing is setting up systems to coordinate, to the maximum extent possible, the handling of these cases. We are creating an index of children to identify cases in several courthouses. We're creating a case manager position that will coordinate those cases between the bench officers.

We're creating a service coordinator position that will coordinate the community services available to these families. We will also establish protocols for the bench officers on how to coordinate these cases. If we have an identification system and the judges now know that this family has other cases, they can talk to their fellow bench officers and come up with a coordinated approach to resolve the problems of a particular family.

**"I think litigants are more satisfied with the court process because they understand it better."**

**What is the Judicial Council's role in assisting family law litigants?**

The Judicial Council has been very supportive of children and family issues. The establishment and achievements of its Center for Families, Children & the Courts have made an important statement about a focus on thoughtful resolution of family conflict.

Additionally, the council has consistently encouraged trial courts to establish sufficient numbers of family law courts to meet caseload demands and has supported continuing judicial training related to domestic violence litigants. Finally, the funding of mentor courts in the unified family court model during these difficult economic times is another demonstration that the work on improving services to family law litigants continues. ■



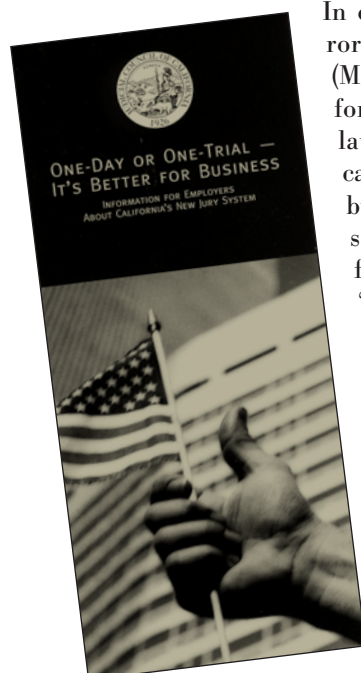
Judge Aviva K. Bobb  
Superior Court of  
Los Angeles  
County



# Courts Launch Jury Improvement Projects

Following are a few of the many recent initiatives the judicial branch has taken to improve jury service in California courts.

## EMPLOYER OUTREACH



In conjunction with Juror Appreciation Week (May 12-19), the California court system launched a statewide campaign encouraging businesses to compensate their employees for jury service. The "One-Day or One-Trial—It's Better for Business" campaign is the first large-scale jury education effort in the country that recognizes the critical role employers play in enabling jurors to fulfill their civic duty.

Past education efforts, both in California and nationwide, have typically focused on potential jurors. The employer campaign addresses a fundamental economic reality: many prospective jurors cite loss of pay as a reason for not serving on a jury. Although employers may not ha-

pass or dismiss employees for serving on juries, they often do not compensate them for this time away from work, and they are not required by law to do so. The new campaign urges employers to become partners in promoting jury service in California.

Under the one-day or one-trial system, now in effect statewide in California, a juror who reports for service is either assigned a trial on the first day or released from service for another year. This system makes jury service simpler and more manageable. For employers, it reduces uncertainty about when employees will return to work and minimizes the economic and operational inconvenience of their absence. And because an employee reporting for jury service is absent, on average, just one to five days annually, the cost of paid jury service is significantly less than the costs of other employee benefits, such as paid holidays, vacation, and medical insurance.

## CAMPAIGN STRATEGIES

To kick off the campaign, Chief Justice Ronald M. George sent a letter and brochure about the one-day or one-trial system to more than 10,000 senior executives and human resources specialists statewide. In the letter, he stressed the importance of supporting the jury system by developing compensation programs for employees who are called to serve.

In addition, the courts are working with chambers of commerce and human resources associations statewide to get the same message out to their memberships. Coinciding with these outreach efforts, the Juror Infor-

mation section of the California Courts Web site ([www.courtinfo.ca.gov/jury](http://www.courtinfo.ca.gov/jury)) has been expanded to include numerous resources for employers considering jury leave benefits, as well as an "honor roll" of companies that currently compensate employees for at least a portion of their service.

For more information, contact James Carroll, AOC's Office of Communications, 415-865-7451; [james.carroll@jud.ca.gov](mailto:james.carroll@jud.ca.gov).

## MODEL JUROR SUMMONS

With input from the courts, the Task Force on Jury System Improvements, and the Administrative Office of the Courts (AOC), the judicial branch created and is testing a new model statewide juror summons designed to improve compliance rates and increase awareness of the one-day or one-trial jury system.

Focus groups earlier this year revealed that, upon receiving a juror summons, a majority of people immediately think about how to get out of serving. But these groups also admitted they had little understanding of the one-day or one-trial system and that their participation in jury service would likely increase if they were more knowledgeable about the process.

The new model summons is written in plain language and will be accompanied by materials that describe the one-day or one-trial system. The summons package will also include information on jury service, such as pay, qualifications, and the excusal process.

## MEASURING COMPLIANCE

With assistance from jury managers, project researchers will track rates of compliance with the new summons over a two-week period and compare them with rates during the same period last year. In addition, face-to-face interviews with reporting jurors will measure awareness of the one-day or one-trial system and satisfaction with the process.

The model summons is being tested in Alameda, San Diego, Shasta, and Ventura Counties. The results of the tests will be shared with the courts.

For more information, contact John Larson, AOC's Jury Improvement Unit, 415-865-7589; [john.larson@jud.ca.gov](mailto:john.larson@jud.ca.gov).

## JURY DATA

Together, court jury managers, the AOC, and jury management software vendors are working to establish statewide standards for monitoring and evaluating the number of days jurors serve in California courts and the costs associated with that service.

The standards will be used to collect data such as the numbers of summonses mailed, undeliverable summonses, excusals, disqualifications, juror panels created, and jurors sworn. The standards should make it easier to analyze these jury data and should enable judicial leaders to show other state agencies more concretely how jury service improvement initiatives (such as the one-day or one-trial system) are working. Additionally, more standardized data promise to produce a clearer picture of the monetary costs associated with jury service that need to be addressed by the State Budget.

"Jury managers in the courts have been very receptive to the idea of statewide standards," says Dag MacLeod, a senior research analyst at the AOC. "The goal is to make the process of collecting these statistics less painful for the courts."

An initial draft of proposed standards was sent to the courts and jury management vendors in April and will be adjusted on the basis of the comments received. The AOC hopes to begin collecting jury data on a regular cycle every year.

For more information, contact Dag MacLeod, 415-865-7660; e-mail: [dag.macleod@jud.ca.gov](mailto:dag.macleod@jud.ca.gov). ■

## Task Force

*Continued from page 1*

- ◆ Approved a model graphic design package for jury materials statewide.

For more information or to view the entire report, visit <http://serranus.courtinfo.ca.gov/reference/>, or contact John Larson, AOC's Jury Improvement Unit, 415-865-7589; e-mail: [john.larson@jud.ca.gov](mailto:john.larson@jud.ca.gov). ■

## Jury Reforms

In its final report to the Judicial Council, the Task Force on Jury System Improvements detailed its accomplishments and actions needed to continue jury reform. Following are some highlights of the report.

### ACCOMPLISHMENTS

- ◆ Rule 861 of the California Rules of Court, implementing one-day or one-trial terms of jury service
- ◆ First increase in jury fees since 1957
- ◆ Rule 860 of the California Rules of Court, requiring jury commissioners to apply consistent standards for hardship excuses
- ◆ Development of a model jury summons that is understandable and has consumer appeal

- ◆ Development of a juror handbook explaining the trial process and jurors' rights and responsibilities
- ◆ Development of a "failure to appear" (FTA) kit to assist courts in implementing effective programs to address summoned eligible jurors who fail to appear for jury service
- ◆ Promotion of development by the Center for Judicial Education and Research of curricula on the treatment of jurors and on conducting jury trials—in particular, the process of jury selection
- ◆ Development, production, and distribution of *Ideals Made Real*, the first statewide juror orientation video

### ACTIONS NEEDED

- ◆ Raise jurors' pay to at least the \$40 per diem currently in effect in the federal courts, along with mileage reimbursement for their trips between home and the courthouse
- ◆ Promote legislation to create a tax credit for employers who pay regular compensation and benefits to employees while they are on jury duty
- ◆ Provide free public transportation for jurors to and from the courthouse
- ◆ Provide free parking for jurors
- ◆ Promote on-site child care and child-care cost reimbursement programs for jurors
- ◆ Implement a telephone standby system in every court system
- ◆ Bring California into step with other states by promoting legis-

lation to reduce the number of peremptory challenges

- ◆ Adapt a standard questionnaire for use in jury selection in criminal cases, and implement its use through amended rules of court
- ◆ Approve a rule of court requiring judicial officers to offer assistance to a jury that is at an impasse in its deliberations, including directing attorneys to make additional closing arguments
- ◆ Adopt rules of court that provide for "mini-opening statements" by counsel to the jury panel before selection begins and to provide for preinstruction on substantive issues
- ◆ Adopt rules of court requiring trial judges to inform jurors that they may take notes and submit written questions

# U.S. Supremes Reject Challenge To Three-Strikes Law

The U.S. Supreme Court, in two jointly filed opinions, has determined that a 25-years-to-life sentence for a crime that could qualify for misdemeanor treatment does not violate the Eighth Amendment prohibition against cruel or unusual punishment. *Ewing v. California* (2003) \_\_\_ U.S. \_\_\_ [03 D.A.R. 2490] and *Lockyer v. Andrade* (2003) \_\_\_ U.S. \_\_\_ [03 D.A.R. 2484] have set the Eighth Amendment standard for reviewing sentences imposed under the three-strikes law either by certiorari or by federal petition for writ of habeas corpus.

In *Ewing* the defendant was on parole from a nine-year prison term when he stole three golf clubs, each with a value of \$400; he was sentenced under the three-strikes law to a term of 25 years to life. His criminal record spanned 11 years: 1984—petty theft; 1988—felony vehicle theft; 1990—misdemeanor petty theft with a prior; 1992—battery; 1992—petty theft; 1993—misdemeanor second degree burglary; 1993—misdemeanor appropriation of lost property; 1993—misdemeanor unlawful possession of a firearm and trespassing; 1993—three counts of residential burglary and one count of robbery. Defendant was paroled in 1999; within 10 months he stole the golf clubs.

The court's analysis was based on three opinions: *Harmelin v. Michigan* (1991) 501 U.S. 957, *Solem v. Helm* (1983) 463 U.S. 277, and *Rummel v. Estelle* (1980) 445 U.S. 263. Justice O'Connor, in writing the plural-

ity opinion of the court, drew on Justice Kennedy's concurring opinion in *Harmelin* for factors to guide the proportionality review: "the primacy of the legislature, the variety of legitimate penalological schemes, the nature of our federal system, and the requirement that proportionality review be guided by objective factors" that "inform the final one: The Eighth Amendment does not require strict proportionality between crime and sentence. Rather it forbids only extreme sentences that are 'grossly disproportionate' to the crime." (*Harmelin v. Michigan*, *supra*, 501 U.S. at p. 1001.) The court determined that a state may adopt a sentencing scheme based on "incapacitation, deterrence, retribution or rehabilitation." (*Ewing v. California*, *supra*, \_\_\_ U.S. \_\_\_.) The three-strikes law both incapacitates repeat felons and deters others from similar conduct. In comparing the gravity of the offense with the sentence imposed, the court did not find the punishment grossly disproportionate. The current offense was felony-level conduct committed by a person with a "long history of felony recidivism" that included at least two serious or violent crimes.

In *Andrade*, on two separate days, close in time, the defendant entered a store and took videotapes totaling about \$150 in value. He admitted that the thefts were to support his drug habit. In a 5-4 decision, the court upheld the two consecutive 25-years-to-life terms imposed by the trial court. The

defendant argued that the sentence was grossly disproportionate to the crime and was contrary to controlling U.S. Supreme Court authority. The Supreme Court resolved the case by clarifying the application of the Antiterrorism and Effective Death Penalty Act of 1996, section 2254(d) of title 28 of the United States Code.

Section 2254(d)(1) permits federal habeas corpus relief if the state court proceedings "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." The court held that "clearly established Federal law" means "the governing legal principle or principles set forth by the Supreme Court at the time the state court renders its decision," not dicta from the decisions. (*Lockyer v. Andrade*, *supra*, \_\_\_ U.S. \_\_\_.) The court acknowledged that when it comes to the application of the Eighth Amendment to a particular sentence, its decisions "have not been the model of clarity." The court did find, however, that a gross disproportionality principle was applicable to sentences in terms of years. What is not clear is which factors indicate gross disproportionality. The decisions in *Harmelin* and *Solem* allow courts to rely on the standards enunciated in *Rummel* in determining whether a sentence is disproportionate. The court found that *Andrade* fell between the sentences imposed in *Rummel* and *Solem*.

Under such circumstances, the court found the state court's application of federal law was not "objectively unreasonable."

*Brown v. Mayle* (2002) 283 F.3d 1019, which invalidated a 25-years-to-life sentence for petty theft on grounds largely based on *Andrade*, has been remanded by the Supreme Court to the Ninth Circuit for reconsideration in light of *Ewing* and *Andrade*. In view of the standards set by the Supreme Court, it is doubtful that the sentences will be found to violate the Eighth Amendment.

While it still may be possible to visualize a three-strikes sentence that potentially constitutes



Judge J. Richard Couzens  
Superior Court of Placer County

*Judge Couzens is a former member of the Judicial Council and past chair of its Criminal Law Advisory Committee.*



cruel and unusual punishment, in reality such a case would be exceedingly rare. It would seem that the court's approval of two consecutive 25-years-to-life terms for stealing a total of \$150 in merchandise is a bar so high that it will be nearly impossible to mount a successful Eighth Amendment challenge. Because the California constitutional standards are substantially the same as under the federal Constitution (see *In re Lynch* (1972) 8 Cal.3d 410, 424-427), it is doubtful that such a challenge ever will be successful under California law. The U.S. Supreme Court decisions, coupled with those of the California courts, effectively have ended any meaningful constitutional challenge to the three-strikes law. ■

## Nominations Open for Kleps Awards

The Judicial Council is accepting nominations for the 2003 Ralph N. Kleps Awards for Improvement in the Administration of the Courts. These annual awards—created in 1991 in honor of Ralph N. Kleps, the first administrative director of the California courts—pay tribute to the innovative, efficient, and effective contributions of individual courts to the administration of justice and help to publicize those contributions among other courts.

Recent changes to the Kleps award process make it easier for courts to submit nominations. "We understand that court staff are under immense pressure this year, so we made the process more streamlined," says Beth Shirk, program manager for the Kleps awards.

All nomination forms have been simplified and can be submitted electronically. In addition, programs no longer have to have been in operation for a full year to be eligible.

### AWARD CRITERIA

The Kleps awards are given in five categories:

Category 1, Superior courts with 2 to 6 authorized judicial positions (AJP's)

Category 2, Superior courts with 7 to 19 AJP's

Category 3, Superior courts with 20 to 49 AJP's

Category 4, Superior courts with 50 or more AJP's

Category 5, Appellate courts

Projects nominated for Kleps awards are judged against the following criteria:

1. The nomination is a project of a California court;

2. The project reflects at least one of the six goals of the Judicial Council's Strategic Plan (access, fairness, and diversity; independence and accountability; modernization; quality of justice and service to the public; education; and technology).

3. The project is innovative. *Innovation* is defined as "creating value by initiating practices that enhance judicial efficiency and effectiveness."

4. The project has results, outcomes, or benefits that demonstrate its impact;

5. The project is replicable in other courts.

The Kleps Award Committee will review nominations and submit recommendations to the Judicial Council. Committee members will visit the sites of the projects that fully meet the award criteria, which will help them make informed recommendations to the council.

The next awards will be presented at the California Judicial Administration Conference (CJAC), scheduled for February 2004. Award recipients will be invited to demonstrate and/or display their projects at CJAC.

Nomination materials were sent out on May 1 and are due by July 1. They are available online at [www.courtinfo.ca.gov/courtadmin/jc/kleps.htm](http://www.courtinfo.ca.gov/courtadmin/jc/kleps.htm).

● For more information, contact Beth Shirk, 415-865-7870; e-mail: [beth.shirk@jud.ca.gov](mailto:beth.shirk@jud.ca.gov). ■



## Facilities Update

# Structural Evaluations Under Way

Following is an update on the ongoing transfer of responsibility for court facilities from the counties to the state in accordance with the Trial Court Facilities Act.

## SEISMIC ASSESSMENT PROGRAM

The judicial branch in January initiated a Court Building Seismic Assessment Program to evaluate the seismic performance of court buildings in preparation for the transfer.

Approximately 240 of the 451 court buildings statewide will be structurally evaluated and assigned seismic risk levels. Not all facilities will be evaluated, because some courts lease space, occupy small portions of non-court facilities, use facilities for storage, or are housed in buildings constructed under recent building codes and therefore are excluded under the legislation.

The program has two phases—an initial screening workshop and more detailed evaluations. In the first phase, members of the Administrative Office of the Courts' (AOC) Office of Capital Planning, Design, and Construction and consulting engineers convened April 21–25 in San Francisco to evaluate the court buildings. They reviewed structural documents and, when the information enabled a well-founded judgment, assigned risk levels. Since then, the engineers have started conducting site evaluations—to run through August—and are making detailed assessments of court buildings that could not be assigned risk levels in the initial screening.

Methods and criteria developed by the Department of General Services and Federal Emergency Management Agency are used to determine the level of risk to a building from seismic events.

Under Senate Bill 1732, upgrades of buildings found seismically deficient are the responsibility of counties; thus, seismic risk levels will be an important objective factor in negotiations between the state and the counties. A building found to have an unacceptable risk level will not be eligible for the transfer of responsibility unless counties make provisions to mitigate the deficiencies.

A final report on the seismic program's findings is scheduled for release in fall 2003 and will be made available to the courts, counties, and public. In addition, these findings will be incorporated into a long-range Judicial Council capital improvement program.

● For more information, contact Clifford Ham, AOC's Office of Capital Planning, Design, and Construction, 415-865-7550; e-mail: [clifford.ham@jud.ca.gov](mailto:clifford.ham@jud.ca.gov).

## INFORMATIONAL BRIEFINGS

From March 13 through April 4, the AOC and the California State Association of Counties (CSAC) co-hosted four regional briefings on issues related to the imple-

mentation of the Trial Court Facilities Act (Sen. Bill 1732), which authorizes the transfer of court facilities from the counties to the state. Briefings were held in Alhambra, Fresno, Sacramento, and San Francisco.

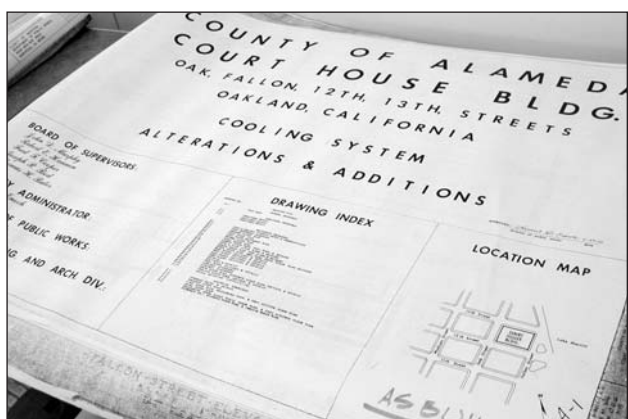
The briefings provided an opportunity for court and county representatives to familiarize themselves with key provisions of the legislation and with how both parties are preparing for negotiations. In addition, session leaders defined the responsibilities of courts, counties, the Judicial Council, the AOC, and CSAC in future negotiations and established an overall timeline for the transfer. The timeline included target dates for the commencement of fees, surcharges, and other payments. The legislation calls for the transfer process to begin on July 1.

A list of frequently asked questions developed from the sessions is expected to be posted to the California Courts and CSAC Web sites this summer.

● For more information about the negotiation and transfer process, contact the AOC's Office of Capital Planning, Design, and Construction: Kim Davis, Assistant Director, 415-865-7971; e-mail: [kim.davis@jud.ca.gov](mailto:kim.davis@jud.ca.gov), or Robert Emerson, 415-865-7981; e-mail: [robert.emerson@jud.ca.gov](mailto:robert.emerson@jud.ca.gov). ■



In an initial screening workshop held April 25 in San Francisco, engineers reviewed building plans of court facilities around the state to evaluate their seismic performance. The workshop was the initial phase of a statewide seismic evaluation in accordance with the Trial Court Facilities Act, which provides for the transfer of responsibility for court buildings from the counties to the state.



## Nominations Wanted for Council Advisory Committees

Nominations for the Judicial Council's advisory committees will be accepted through June 30.

The advisory committees assist the council as it studies the condition of court business and works to improve judicial administration. They monitor areas of continuing significance to the justice system and make recommendations to the council.

A term of service on a committee is generally three years and begins on November 1. To find out the purpose and current membership of each committee, visit [www.courtinfo.ca.gov/courtadmin/jc/advisorycommittees.htm](http://www.courtinfo.ca.gov/courtadmin/jc/advisorycommittees.htm).

Nominations are being solicited for the following advisory committee vacancies:

### Access and Fairness

- Trial court judicial officer

### Appellate

- Supreme Court justice
- Appellate court justice
- Supreme Court clerk
- Judicial administrator
- Civil appellate lawyer
- Criminal defense appellate lawyer

### Center for Judicial Education and Research

- Appellate court justice
- Sitting judicial officer

- Judicial administrator

### Civil and Small Claims

- Trial court judicial officer
- Judicial administrator
- Lawyer whose primary area of practice is civil law

### Collaborative Justice Courts

- Trial court judicial officer
- Court treatment coordinator

### Court Executives

- Appellate court clerk
- Court executive officer

### Court Interpreters

- Certified court interpreter

### Court Technology

- Supreme Court justice
- Trial court judicial officer
- Lawyer

### Criminal Law

- Appellate justice
- Judicial administrator
- Criminal defense lawyer (public)
- Person knowledgeable about criminal law

### Family and Juvenile Law

- Trial court judicial officer
- Judicial administrator
- Lawyer whose primary area of practice is family law
- Domestic violence prevention advocate
- Child welfare director

- County counsel assigned to juvenile dependency cases

### Judicial Branch Budget

- Appellate court justice
- Trial court judicial officer
- Court executive officer

### Judicial Service

- Appellate court justice
- Trial court judge
- Court executive officer

### Legal Services Trust Fund

- Trial court judicial officer
- Court administrator
- Lawyer

### Probate and Mental Health

- Lawyers, examiners, or probate investigators who work for a court on probate or mental health issues

### Traffic

- Trial court judicial officer
- Judicial administrator
- Juvenile traffic hearing officer

● Nomination and application forms can be downloaded from the California Courts Web site at [www.courtinfo.ca.gov/courtadmin/jc/nomform/htm](http://www.courtinfo.ca.gov/courtadmin/jc/nomform/htm), or they can be completed online. For more information, contact Secretariat, Administrative Office of the Courts, 415-865-7640; e-mail: [jcservices@jud.ca.gov](mailto:jcservices@jud.ca.gov).